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SENATE

REPORT
99-382

DESIGNATING THE NEZ PERCE (NEE-ME-POO) TRAIL AS A COMPONENT OF THE NATIONAL TRAILS SYSTEM

AUGUST 7 (legislative day, AUGUST 4), 1986.—Ordered to be printed

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Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1542]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1542) to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, line 6, strike " "(16)" and insert " "(14)".

2. On page 2, line 5, strike "Agriculture."." and insert in lieu thereof:

> "Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be locat-

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ed on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There are authorized to be appropriated $550,000 to carry out the purposes of this Act.

PURPOSE OF THE MEASURE

S. 1542, as reported, would designate the entire 1,170-mile route tracing the 1877 flight of the nontreaty Nez Perce Indians as a national historic trail and as a component of the National Trails System.

BACKGROUND AND NEED

Public Law 94-527 identifies the Nez Perce (Nee-Me-Poo) Trail as ". . . extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana." The 1,170-mile trail is the route used by the nontreaty Nez Perce Indians during the summer and fall of 1877 in their attempt to escape the United States Army and seek peace in Canada. Nee-Me-Poo, also Nimipu, is the traditional name of the Nez Perce and means "the people."

The trail begins in northeastern Oregon, proceeds through north-central Idaho, and crosses into Montana at Lolo Pass. It follows the Bitterroot Valley south, crossing the Continental Divide into the Big Hole Basin at Gibbons Pass. From the Big Hole it again enters Idaho, crossing the Continental Divide at Bannack Pass. The route traverses east-central Idaho in the Lemhi River-Birch Creek Valley, crosses the Camas Meadow country of eastern Idaho, and reenters Montana at Targhee Pass, the last Continental Divide crossing. It then bisects Yellowstone National Park and follows the Clark Fork of the Yellowstone River northward out of Wyoming into Montana. The trail then proceeds north across the plains of central Montana to the foothills of the Bear Paw Mountains, ending approximately 40 miles from the Canadian border.

A study of the trail was conducted pursuant to the National Trails System Act (Public Law 90-543) by the Forest Service and other Federal agencies. The study report and the environmental assessment stated that it is feasible and desirable to designate this trail as a component of the National Trails System.

Under the bill, the entire 1,170-mile route tracing the 1877 flight of the nontreaty Nez Perce Indians would be designated as a national historic trail. The trail would be marked and interpreted along highways and other connecting roads. Approximately 319 miles of high potential route segments on Federal lands or State owned lands would eventually be developed. The preponderance of the high potential segments are located on National Forest lands.

The National Park System Advisory Board has made the determination required by the National Trails System Act that the proposed Nez Perce Trail is of national significance. Initial development costs are estimated to be approximately $550,000 over the

next 5 years. Annual operations and maintenance costs are estimated to be $65,000.

Legislative History

S. 1542 was introduced by Senator McClure (by request) on July 31, 1985. The Subcommittee on Public Lands, Reserved Water and Resource Conservation held a hearing on the bill on April 11, 1986.

At a business meeting on July 30, 1986, the Senate Committee on Energy and Natural Resources ordered S. 1542, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on July 30, 1986, by unanimous vote of a quorum present, recommends that the Senate pass S. 1542, if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield *	
Mr. Weicker *	
Mr. Domenici *	
Mr. Wallop *	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum *	
Mr. Melcher	
Mr. Bradley *	
Mr. Bingaman	
Mr. Rockefeller	

* Indicates voted by proxy.

Committee Amendment

Amendment No. 1 corrects the paragraph number and is a technical amendment. The purpose of the second amendment is to restrict the Secretary's authority for land acquisition outside the exterior boundaries of any federally administered areas. The Secretary would have authority to designate lands donated by States or local governments as trail segments. The amendment authorizes appropriations for $550,000 which is the estimate of initial development costs over the next 5 years.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 31, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1542, a bill to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System, as ordered reported by the Senate Committee on Energy and Natural Resources, on July 30, 1986.

S. 1542 would designate the Nez Perce National Historic Trail as a component of the National Trails System and authorize the appropriation of $550,000 to carry out the purposes of the bill. The trail would be administered by the Secretary of Agriculture. The bill would also restrict land acquisition authority outside the boundaries of any federally administered areas and authorize the Secretary to designate lands donated by states or local governments as trail segments.

Based on information from the Forest Service, we expect that no new lands would be acquired for the trail and estimate that enactment of this bill would result in annual development costs to the federal government of approximately $110,000 for the fiscal years 1987–1991. In addition, annual costs for trail operations and maintenance are estimated to be about $65,000. All expenditures would be subject to appropriation action.

Enactment of this bill would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

Rudolph G. Penner, *Director.*

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1542. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1542, as reported.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports received by the Committee from the Department of the Interior and the Department of Agriculture setting forth executive agency recommendations relating to S. 1542 are set forth below:

UNITED STATES DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, January 21, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for our views on S. 1542, a bill "To amend the National Trails System Act by designating the Nez Perce (Nee-Mee-Poo) Trail as a component of the National Trails System."

The Department of the Interior has no comment on this legislation, and defers to the U.S. Forest Service, Department of Agriculture.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

P. DANIEL SMITH,
Deputy Assistant Secretary.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, March 31, 1986.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy, and Natural Resources U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 1542, a bill "To amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System."

The Department of Agriculture recommends that S. 1542 be enacted. A study of this trail was conducted pursuant to the National Trails System Act by the Forest Service and other Federal agencies and transmitted to Congress in July 1985 with our recommendation.

S. 1542 is consistent with our recommendation. It would designate the entire 1,170-mile route tracing the 1877 flight of the nontreaty Nez Perce Indians as a historic trail. The trail would be marked and interpreted along highways and other connecting roads. Approximately 319 miles of high potential route segments on Federal lands or State-owned lands would eventually be developed. The preponderance of the high potential segments are located on National Forest System lands.

No land acquisition is proposed, and we estimate initial development costs would be approximately $550,000 over the next 5 years.

Annual operations and maintenance costs are estimated to be $65,000.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD E. LYNG, *Secretary.*

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1542, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 90-543

(82 STAT. 919)

NATIONAL TRAILS SYSTEM ACT

AN ACT To establish a national trails system, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Trails System Act."

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NATIONAL SCENIC AND NATIONAL HISTORICAL TRAILS

SEC. 5. (a) National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) * * *

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(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in "The Florida Trail", a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments

meet the criteria established in this Act and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in 'Nez Perce (Nee-Me-Poo) Trail Study Report' prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this Act and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency.

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